

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ULTRA INTERNATIONAL MUSIC  
PUBLISHING, LLC,

Plaintiff,

vs.

KANYE WEST individually and d/b/a  
“Yeezy Tech,” ALEX KLEIN, KANO  
COMPUTING LIMITED, and DOES 1  
through 10,

Defendants.

Case No. 1:22-cv-05560-AT

**DEFENDANT KANYE WEST,  
INDIVIDUALLY AND D/B/A “YEEZY  
TECH”’S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

In answer to Plaintiff Ultra International Music Publishing, LLC’s Complaint for Copyright Infringement (the “Complaint”), Defendant Kanye West, individually and d/b/a “Yeezy Tech” (hereinafter “Ye”), admits, denies, and alleges as follows:

1. Paragraph 1 of the Complaint contains no allegations of fact requiring Ye’s response. To the extent paragraph 1 is construed to contain allegations of fact, Ye denies them.

**INTRODUCTION**

2. Ye admits the allegations of paragraph 2.

3. In answer to paragraph 3, Ye admits that, on February 23, 2022, he released a new album entitled *Donda 2*. Ye further admits that *Donda 2* was only available as a pre-loaded recording on a device known as a Stem Player. Ye admits that the Stem Player was created by Defendants Alex Klein and Kano Computing Limited (“Kano”) but denies that he co-created the Stem Player with those defendants. Ye admits that the retail price of the Stem Player was \$200.00. To the extent not expressly admitted herein, Ye denies the allegations of paragraph 3.

4. In answer to paragraph 4, Ye admits that, on or about February 19, 2022, Ye stated in an Instagram post that sales of the Stem Player had exceeded \$2.2 million in 24 hours,

and that the contents of that Instagram post otherwise speak for themselves. To the extent not expressly admitted herein, Ye denies the allegations of paragraph 4.

5. Ye denies the allegations of paragraph 5.

6. In answer to paragraph 6, Ye admits that the song “Flowers” includes a sample from a song entitled “Move Your Body.” Ye is without sufficient information to form a belief as to whether “Move Your Body” was written by Marshall Jefferson in 1986 or whether Jefferson is a Chicago native, and therefore denies those allegations. To the extent not expressly admitted herein, Ye denies the allegations of paragraph 6.

7. Ye denies the allegations of paragraph 7.

#### **JURISDICTION AND VENUE**

8. Ye admits the allegations of paragraph 8.

9. Ye denies the allegations of paragraph 9.

10. Ye denies the allegations of paragraph 10.

#### **THE PARTIES**

11. In answer to paragraph 11, Ye admits that a limited liability company named Ultra International Music Publishing, LLC (“UIMP”) is organized and existing under the laws of the State of New York. Ye is without sufficient information to form a belief as to the truth or falsity of the remaining allegations of paragraph 11, and therefore denies them.

12. Ye is without sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 12, and therefore denies them.

13. In answer to paragraph 13, Ye admits that the records of the U.S. Copyright Office speak for themselves in terms of their contents. Ye is without sufficient information to form a belief as to whether those records are accurate, and therefore denies the allegations of

paragraph 13 to the extent it alleges the contents of those records are true. Ye is without sufficient information to form a belief as to the truth or falsity of the remaining allegations of paragraph 13, and therefore denies them.

14. Ye admits the allegations of paragraph 14.

15. In answer to paragraph 15, Ye admits that he has used the brand name “Yeezy Tech” in connection with the Stem Player. To the extent not expressly admitted herein, Ye denies the allegations of paragraph 15.

16. Ye denies the allegations of paragraph 16.

17. In answer to paragraph 17, Ye admits that Kano is a United Kingdom corporation. Ye is without sufficient information to form a belief as to the truth or falsity of the remaining allegations of paragraph 17, and therefore denies them.

18. In answer to paragraph 18, Ye admits that Klein is the Chief Executive Officer of Kano and is a creator of the Stem Player. Ye is without sufficient information to form a belief as to the truth or falsity of the remaining allegations of paragraph 18, and therefore denies them.

19. In answer to paragraph 19, Ye admits that Klein resides in the United Kingdom. Ye is without sufficient information to form a belief as to the truth or falsity of the remaining allegations of paragraph 19, and therefore denies them.

### **FACTUAL BACKGROUND**

20. Ye is without sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 20, and therefore denies them.

21. Ye is without sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 21, and therefore denies them.

22. Ye is without sufficient information to form a belief as to the truth or falsity of the allegations of paragraph 22, and therefore denies them.

23. Ye admits the allegations of paragraph 23.

24. In answer to paragraph 24, Ye denies that he “has sold music...most recently, exclusively via the Stem Player.” Ye admits the remaining allegations of paragraph 24.

25. Ye admits the allegations of the first sentence of paragraph 25. Ye denies the allegations of the second and third sentences of paragraph 25.

26. In answer to paragraph 26, Ye admits that “Flowers” was included in a February 18, 2022 post to the Stem Player Instagram profile and was played during a live listening party in Miami on February 22, 2022. To the extent not expressly admitted herein, Ye denies the allegations of paragraph 26.

27. In answer to paragraph 27, Ye admits that the Stem Player is a small portable MP3 player that enables users to isolate “stems” in songs and remix them in a customized fashion. Ye further admits that, for a period of time, the Stem Player was sold with *Donda 2* preloaded on it, and that the “Move Your Body” sample was one of the “stems” that a Stem Player user could isolate. To the extent not expressly admitted herein, Ye denies the allegations of paragraph 27.

28. Ye denies the allegations of paragraph 28.

29. Ye denies the allegations of paragraph 29.

30. Ye denies the allegations of paragraph 30, and specifically denies that he has received any profits from the sale of Stem Players.

31. In answer to paragraph 31, Ye admits that, on or about February 19, 2022, Ye stated in an Instagram post that sales of the Stem Player had exceeded \$2.2 million in 24 hours,

and that the contents of that Instagram post otherwise speak for themselves. To the extent not expressly admitted herein, Ye denies the allegations of paragraph 31.

32. In answer to paragraph 32, Ye admits that there were sales of Stem Players after February 19, 2022, some of which came with *Donda 2* preloaded on them. Ye denies that he received any revenue from those sales. To the extent not expressly admitted herein, Ye denies the allegations of paragraph 32.

33. Ye denies the allegations of paragraph 33.

34. Ye denies the allegations of paragraph 34.

35. In answer to paragraph 35, Ye denies that he personally acknowledged in discussions with representatives for Mr. Jefferson and UIMP that “Move Your Body” was sampled in “Flowers” without authorization or payment. Ye further denies that he personally has not ceased distribution of “Flowers.” Ye is without sufficient information to form a belief as to the truth or falsity of the remaining allegations of paragraph 35, and therefore denies them.

36. Ye denies the allegations of paragraph 36.

## **COUNT I**

### **COPYRIGHT INFRINGEMENT**

#### **[Against All Defendants]**

37. In answer to paragraph 37, Ye incorporates by reference his answers to paragraphs 1 through 36 as if fully set forth herein.

38. Ye denies the allegations of paragraph 38.

39. Ye denies the allegations of paragraph 39.

40. Ye denies the allegations of paragraph 40.

41. Ye denies the allegations of paragraph 41.

42. Ye denies the allegations of paragraph 42.

**COUNT II**

**VICARIOUS AND/OR CONTRIBUTORY COPYRIGHT INFRINGEMENT**

**[Against All Defendants]**

43. In answer to paragraph 43, Ye incorporates by reference his answers to paragraphs 1 through 37 as if fully set forth herein.

44. Ye denies the allegations of paragraph 44.

45. Ye denies the allegations of paragraph 45.

46. Ye denies the allegations of paragraph 46.

47. Ye denies the allegations of paragraph 47.

48. Ye denies the allegations of paragraph 48, and specifically denies that he has received any profits from the alleged copyright infringement.

49. Ye denies the allegations of paragraph 49.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

**(Lack of Personal Jurisdiction)**

50. The Court lacks personal jurisdiction over Ye with respect to this matter.

**SECOND AFFIRMATIVE DEFENSE**

**(Improper Venue)**

51. This Court is the improper venue for the claims asserted in the Complaint.

**THIRD AFFIRMATIVE DEFENSE**

**(Failure to State a Claim)**

52. The Complaint fails to state a claim upon which relief can be granted.

**FOURTH AFFIRMATIVE DEFENSE**

**(Fair Use)**

53. The use of the “Move Your Body” sample in “Flowers” constitutes fair use.

**RESERVATION OF ADDITIONAL AFFIRMATIVE DEFENSES**

54. Discovery in this case has yet to commence. Ye reserves the right to seek leave to amend his answer to assert any additional affirmative defenses that may become apparent during the course of discovery.

WHEREFORE, having answered the Complaint and set forth his affirmative defenses, Ye prays for relief as follows:

1. For dismissal of the Complaint with prejudice; and
2. For such other and further relief as the Court may deem just and proper.

DATED: March 1, 2023

Respectfully submitted,

**ANGELI LAW GROUP LLC**

/s Peter D. Hawkes

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